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DOCKET 8156**REMARKS****Status of the Claims**

In the Office Action, claims 1 – 20 were noted as pending in the application. All claims stand rejected.

A. Summary of Cited References

Before addressing the Examiner's rejections, a brief summary of the cited references is provided.

Novak, et. al. - U.S. Patent Publication Number 2003/0126599

Novak relates to an editing device that allows a user to access a media program and designate excerpts, or sections, of the media program by generating bookmarks that correspond to time or positional indexes in the program. Abstract. The bookmarks can then be sent via a network device to others so that the others can experience the original user's designated excerpts without having to review the entire program. Id. The other users apply the bookmarks to a different version, or copy, of the program than the original user does, thereby avoiding copyright infringement. Page 2, par. [0033]. Thus, bandwidth is not used transmitting the actual program content over a network. Id.

D. Rejection of Claims 1-5 and 7-17

Regarding the rejection of independent claim 1, claim 1 claims "... broadband communication circuitry for receiving the multimedia content in a broadband format and extracting the content from the broadband format by stripping broadband protocol format information; and decoder circuitry for receiving the content from the broadband communication circuitry, for decoding the content according to the type of content received and providing the decoded content to at least one user device based on the type of content." It is noted that in the office action, Examiner pointed out that the element of "... stripping broadband protocol format information ..." was not included in the claims before. This limitation has been added to claims 1 and 11. Furthermore, the limitation of decoding the content "according to the type of content received ..." is now recited in claim 1, and a similarly worded limitation containing similar substance is now recited in claim 11. Accordingly, Applicant believes that the limitations recited in the claims patentably distinguish over the reference, and withdrawal of the rejection is respectfully requested.

As discussed in the previous office action:

Novak does not disclose these elements. In Novak, multimedia content is accessed from a DVD or from encoded television content received from a cable television network or a direct broadcast satellite system. Page 2, pars. [0036] – [0038]. The encoding discussed in Novak is typically MPEG coding known in the art. Page 3, par [0048] – [0050]. Claim 1 in the present application claims extracting content from a broadband content signal, and then decoding the encoded content. In other words, the device claimed in claim 1 strips away the broadband signal protocol format information that envelopes the content information, and then decodes the remaining encoded content, which may MPEG, for example. Novak does not disclose the element of stripping away

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the broadband signal protocol information as claimed in claim 1, and discussed at page 9, lines 3-13 of the present application.

In the embodiment discussed in this section of the present application, DOCSIS is the broadband signal format described, but other formats are also available. Novak tangentially refers to broadcast centers being connected by a network, for example the internet, but does not disclose embedding MPEG-encoded content information in a broadband format, such as DOCSIS, for example, and transmitting same over a communication network to a multimedia terminal device. Accordingly, all of the elements of claim 1 are not found in the reference, and withdrawal of the rejection is respectfully requested.

With respect to claim 11, the claim claims "... converting digital multimedia content into a digital multimedia content signal ...; formatting the digital content signal into a broadband-transport-format signal; ... receiving the broadband-formatted digital content signal with broadband communication circuitry; extracting the digital multimedia content from the broadband-transport-format signal; and providing the digital multimedia content at one or more outputs according to content type."

Novak does not disclose formatting a digital content signal into a broadband-transport-format signal at a sending location, nor the complementary step at the receiving location of extracting the digital multimedia content from the broadband-transport-format signal. Although Novak discusses that network interface 302 as depicted in FIG. 3 may include circuitry for processing MPEG packets and may also include circuitry for sending and receiving data packets using DOCSIS, there is no teaching that the MPEG packets are embedded inside DOCSIS-formatted signals. Page 4, par. [0062]. Indeed, this passage in Novak distinguishes circuitry for processing MPEG packets from DOCSIS circuitry for transmitting and receiving data. Thus, Novak does not disclose elements found in claim 11, and therefore does not anticipate the claim. Withdrawal of the rejection is respectfully requested.

With respect to the dependent claims, since the independent claims from which they depend are novel, and not anticipated by Novak as discussed above, the dependent claims are also novel and not anticipated by Novak. Withdrawal of the rejection is respectfully requested.

E. Rejection of Claims 6 and 18-19 under 35 U.S.C. § 103(a).

Applicant respectfully submits that the subject matter of the claims patentably distinguish over the cited references. Under MPEP § 2142, for an examiner to establish a *prima facie* case of obviousness, "three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure." If any of these three criteria are not met, the Examiner has not met the burden of establishing a *prima facie* case of obviousness, and the rejection should be withdrawn.

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Furthermore, each dependent claim includes all of the limitations of the independent claim from which it depends. If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Applicant respectfully submits that the burden of establishing a *prima facie* case of obviousness has not been met.

F. The Claims are not Obvious over the Cited References

Claims 6 and 18-19 are rejected under 35 U.S.C. § 103(a) over Novak in view of U.S. Patent number 6,816,940 to Brooks with respect to claim 6, and over Novak in view of U.S. Patent Publication 2003/0177502 to Kolze, et. al. The claims addressed in this section are dependent claims, and depend from independent claims that were not rejected as obvious under 35 U.S.C. § 103. Therefore, under MPEP §§2142 §2143.03, these dependent claims patentably distinguish over the references and withdrawal of the rejection is respectfully requested.

Examiner stated in the office action that Applicant's response to the obviousness rejection amounted to a general allegation that the claims define a patentable invention without pointing out how the claim language of the claims patentably distinguishes over the references. As stated in the paragraph above, which was also in the previous Amendment, all of the claims rejected as obvious were dependent claims. As such, there are no independent claims that are rejected as obvious. Thus, Examiner has not made a *prima facie* case of obviousness with respect to the independent claims. Accordingly, since dependent claims contain all of the limitations of the base independent claims from which they depend, and none of the independent claims are rejected as obvious, a *prima facie* case of obviousness of the dependent claims 1 and 11 has not been presented by Examiner. Therefore, because Examiner has not shown that any of the elements required to support a *prima facie* case of obviousness with respect to independent claims 1 and 11 are present, Examiner has not shown that any of the elements required to support a *prima facie* case of obviousness with respect to the claims that depend from claims 1 and 11 are present. Withdrawal of the obviousness rejection of the claims that depend from claim 1 and 11 is respectfully requested.

With respect to claim 20, Examiner rejects the claim as being obvious over U.S. Patent 6,813,643 to Pearlman ("Pearlman") "... in view of common knowledge as supported by applicant's [allegedly] admitted prior art." Examiner correctly states that Pearlman does not disclose components and functions associated with the implementation of a DOCSIS signal transport. However, Examiner incorrectly combines the cited section (page 8, line 22 – page 9, line6) from the present application with Pearlman. Claim 20 claims "... means for decoding the incoming content into its native format coupled to the media access controller; and means for distributing the decoded content in its native format from the decoding means to one or more of a plurality of output ports according to the native format type." The cited reference does not contain these limitations.

In the Pearlman reference, a device is described that has a switching module that routes an output signal of the QAM tuner 236 to either an MPEG module 234 or DOCSIS module 235 according to whether the signal video or data, respectively. Col 3, lines 40-62. Then, the signal from either module is provided at a single output. In contrast, claim 20 recites a means for decoding the content signal into its native format. Thus, regardless of the type of signal, the single decoding means processes the signal, and then routes the

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processed/decoded signal to an output port corresponding to the type of signal being processed. Even in FIG. 2c of Pearlman, DOCSIS data signals are output to a single system bus interface 250, which provides the signal to single system bus 251 before providing to the TV 235. Thus, Pearlman does not disclose the claimed elements, nor does the present application in any reference therein to what may be known in the art. In addition, since Pearlman discloses that the output of the QAM tuner 236 is selectably routed to either a DOCSIS processor or an MPEG processor, depending on the type of signal, Pearlman teaches away from a single means for decoding incoming content and a means for distributing decoded content to one or more of a plurality of output ports according to native format of the decoded signal. Thus, there is not a suggestion or motivation found in the references, or elsewhere, to combine Pearlman with what may be acknowledged in the present application as being known in the art. Furthermore, there is not a likelihood of success in combining Pearlman with the cited passage from the present application because Pearlman teaches selecting the module to which a signal from the QAM receiver is routed.

Therefore, all elements of the claim are not found in the reference, alone or in combination. Furthermore, there is no suggestion to combine the references to arrive at the claimed invention, and there not a likelihood of success in arriving at the claimed invention by combining the references. Accordingly, a *prima facie* case of obviousness has not been shown and the claim patentably distinguishes over the reference(s). Withdrawal of the rejection is respectfully requested.

SUMMARY

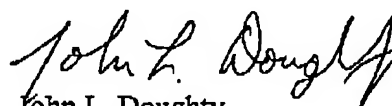
For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment please contact the undersigned at the mailing address, telephone, facsimile number, or e-mail address indicated below.

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